Creativity in policing:
Building the necessary skills to solve complex and protracted investigations

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Abstract

This paper presents an overview and discussion on Dean's (2000) cognitive investigative styles, paying particular attention to the skill and risk styles. In particular, the concept of 'creativity' in policing is discussed as the overlapping dimension between Dean's (2000) two latter investigative styles. A brief overview of the literature on creativity in policing is then presented followed by a discussion on the various benefits of a creative approach. Finally, some possible hurdles which may stand in the way of the integration of creativity within the policing sector are overviewed. The paper concludes by proposing further research into Dean's (2000) skill and risk styles as templates for sharing and fostering creative knowledge within the policing domain.

Introduction

Despite an increased focus upon proactive policing in recent years, criminal investigation is still perhaps the most important task of any law enforcement agency. As a result, the skills required to carry out a successful investigation or to be an 'effective detective' have been subject to much attention and debate (Smith and Flanagan, 2000; Dean, 2000; Fahsing and Gottschalk, 2008, 652). As Stelfox (2008, 303) stated: "The service's capacity to carry out investigations comprises almost entirely the expertise of investigators". In this respect, Dean (2000) highlighted the need to profile criminal investigators in order to promote further understanding of the cognitive approaches they take to the process of criminal investigation. As a result of his research, Dean (2000) produced a theoretical framework of criminal investigation, which included four disparate cognitive or 'thinking styles'. These styles were the 'method', 'challenge', 'skill' and 'risk'. While the method and challenge styles deal with adherence to Standard Operating Procedures (SOPs) and the internal 'drive' that

keeps an investigator going, the skill and risk styles both tap the concept of creativity in policing. It is these two latter styles that provide the focus for this paper.

This paper presents a brief discussion on Dean's (2000) skill and risk styles before over viewing the broader literature on creativity in policing. The potential benefits of a creative approach as well as some hurdles which need to be overcome when proposing the integration of creativity within the policing sector are then discussed. Finally, the paper concludes by proposing further research into Dean's (2000) skill and risk styles and also by stressing the need for significant changes to the structure and approach of the traditional policing organisation before creativity in policing is given the status it deserves.

Cognitive approaches of criminal investigators – links between Dean's 'skill' and 'risk' styles

Dean (2000, 14) proposed that by profiling investigators' cognitive styles, it would enable us to determine whether particular approaches tend to produce better investigative outcomes than others. If so, this knowledge could be used as a template for future investigative training. The outcome of Dean's (2000) research was a theory of criminal investigation, which encapsulated four disparate investigative thinking styles; the method, challenge, skill and risk styles. These four styles were considered equally important and each style represented a piece of the overall 'jigsaw puzzle' of investigative knowledge required for the completion of a successful investigation. While all four styles are important, this paper is particularly concerned with the skill and risk styles and their overlapping dimension; creativity. This is because most policing organisations focus either predominantly or solely on training their personnel in the application of the method and to some extent, the challenge style.[1] Comparatively little attention is paid to the development of the creative skills of investigative personnel. The following section provides an overview of the skill and risk styles before discussing creativity as the concept that links the two styles.

Dean's skill style – a brief synopsis

Dean's (2000) skill style is based upon the concept of information as the 'life blood' of an investigation. It concerns the approaches investigators take to collecting and relaying information and evidence from and to other people including witnesses, suspects, victims, other police, judges, juries, the general community and/or other individuals involved in the investigative process. The key to the skill style is being able to 'relate' in order to extract relevant information. Some detectives in Dean's (2000, 181, 178) research identified the importance of 'role-playing' in order to relate to various individuals. One detective stated: "Well, I suppose that Shakespeare said it: it all boils down to everybody plays many parts" (Dean, 2000, 181). This relates to what other detectives referred to as investigative 'flexibility' (Dean, 2000, 173). Dean (2000, 203) linked this concept of flexibility to creativity, and suggested that it involved the ability to think laterally. Another detective in Dean's

[1] The challenge style can be considered as an innate characteristic held by most investigators and deals with the qualities that 'drive' an officer to step up to the investigative 'challenge'. The challenge style is often the reason that police become involved in policing in the first place.

(2000, 184) research stated: "...the other thing I think about investigations is... that, I know this sounds to be contradictory, but you become so focused on being unfocused". The need for a good investigator to relate and be flexible is supported by other researchers in this area (Siegel, 2009, 278; Tong, 2009, 7; Hobbes, 1991, 600).

Dean's risk style – a brief synopsis

Dean's (2000) risk style is concerned with pro-activity and creativity in investigations. The key is to proactively create or uncover investigative leads by approaching an investigation in a creative way (i.e. a way in which it hasn't previously been approached). One detective in Dean's (2000, 203) research stated: "Why do it the way everybody the day before did it? Try and think of something different..." This is particularly important when investigative leads are sparse and conventional approaches do not work. Another detective in Dean's (2000, 203) research said: "...you are only limited by your own imagination as to what you can do and how you can do it". The key is to take justifiable risks and push the limits of an investigation, without 'crossing the line' (Dean, 2000, 195). It is important that those detectives who employ the risk style do not move beyond the constraints of the law or of their internal organisational policies.

Dean's skill and risk styles – empirical analysis and overlapping dimensions

Work has been undertaken by Dean et al (2006; 2007a; 2007b, 2008) and the author of this paper to develop an instrument that empirically tests Dean's qualitatively derived constructs. The purpose is to develop an instrument that may be used to 'profile' criminal investigators. This tool may then be used to develop knowledge management protocols for the capture and sharing of this investigative knowledge throughout policing organisations (e.g. ensuring that investigative partnerships are suitable to the specific learning requirements of investigative personnel or ensuring that investigative teams include a diversity of cognitive approaches).

Work on the instrument thus far has indicated an overlap between Dean's skill and risk styles, which can best be explained in terms of creativity in policing (Dean et al, 2007b, 119). In particular, the use of creativity and instinct (risk) when interviewing and relating to important persons (skill) is an overlapping dimension that requires further exploration before this instrument can achieve good measures of validity and reliability.

In order to inform the future development of this instrument, this paper further explores the concept of creativity in policing by presenting an overview of the literature. It then considers the importance of creativity in criminal investigation before discussing possible hurdles when fostering this approach within the policing realm. Finally, one possible re-conceptualisation of Dean's (2000) 'skill' and 'risk' styles is discussed with a view to informing the future development of the above mentioned investigative profiling tool.

Creativity in policing – A brief overview

'Creativity' is defined by Amabile et al (2005, 367) as "…coming up with fresh ideas for changing products, services and processes so as to better achieve the organisation's goals". Since the work of 'thief-takers' in the 18th and 19th centuries (Tong, 2009, 1-2), creativity and intuition have been perceived as essential qualities of any criminal investigator. Fictional characters such as Sherlock Holmes have worked to further entrench these notions of the 'born detective' who is naturally creative and intuitive (Brasol, 1926, 15). Early in the twentieth century, Brasol (1926, 15) stated:

> As a rule, government authorities are still dwelling in the fantastic atmosphere of the super-detective of the Sherlock Holmes type who is supposed to know everything even before it happened, and whose principal investigative asset seems to be that rather mysterious faculty of 'intuition' which, like an X-ray, penetrates under the thief's skin.

Since Brasol's (1926) description of the so-called 'super-detective', much has been written about the importance of creativity and intuition in policing. The following section provides a brief overview of some more recent commentaries on the importance of creativity in policing.

Plummer (1999, 98) and others (Riley, 1999, 630; Mastrofski et al, 1995, 545; Kennedy and Moore, 1995, 279) stress the importance of creativity from a community policing perspective. In particular, Plummer (1999, 98) perceives community policing as an approach that *encourages* creativity by overcoming some of the traditional constraints of the conventional policing organisation. Since the widespread integration of community policing within Singapore and internationally, greater emphasis has been placed on the need to further develop the 'creativity' aspect of this approach. Some recent commentators on the creative aspects of policing include Dean (2000), Smith and Flanagan (2000), Innes (2003), Fahsing and Gottschalk (2008), Tong (2009) and Carson (2009).

As previously mentioned, Dean's (2000) skill and risk styles both tap the need for creativity in policing. While Smith and Flanagan (2000) did not focus specifically on the cognitive styles of police investigators, they also argued that creativity was an important aspect of criminal investigation. The authors (Smith and Flanagan, 2000) coined the term 'effective detective' after researching the skills demonstrated by effective senior investigating officers (SIOs). They asserted that effective detectives demonstrate a number of 'creative skills', including lateral thinking and 'exploring new ideas' (Smith and Flanagan, 2000, 63). Building on Dean (2000) and Smith and Flanagan's (2000) prior research, Fahsing and Gottschalk (2008, 652) also recognised creativity as one characteristic of an 'effective detective'. The authors stated that "Detectives can be creative in their job by generating new ways to perform their work, by coming up with novel procedures and innovative ideas, and by reconfiguring known approaches into new alternatives" (Fahsing and Gottschalk, 2008, 652). While innovation is an important aspect of creativity, other authors also discuss the importance of investigative 'hunches' or intuition.

Innes (2003, 10) referred to the need for detectives to listen to their 'hunches', "...think creatively in obtaining evidence and be adroit at using and manipulating information". Similar to Innes (2003), Tong (2009) recognised the importance of 'hunches' and intuition in his conception of the 'art' and 'craft' of investigation. Tong (2009, 7-9) stated that instincts and hunches work to guide an investigator and enable them to develop "...creative lines of enquiry". In this regard, intuition and creativity share a reciprocal relationship, whereby the former feeds into the latter and vice versa.

Finally, Carson (2009, 216) used Tong and Bowling's (2006) work on the art and craft of investigation as a basis for discussing methods of developing and disseminating detectives 'creative' skills. The author identified the methods by which detectives *use* creative approaches to investigation in the hope that this knowledge might be captured and shared (Carson, 2009, 218). In particular, Carson (2009, 219) highlighted the role of abductive reasoning and abstract thinking in creative approaches to investigation.

While most discussions regarding the need for creativity in policing have been published in academic journals, practitioners also recognise the importance of creativity in policing. Chief David Couper, who was previously the head of the Madison, Wisconsin Police Department in the United States of America (USA), recognised the importance of creativity in his speech at the Police Executive Research Forum annual meeting, which was later published in the *FBI Law Enforcement Bulletin*. Couper (1994) identified creativity as one of the 'seven seeds' of policing, which must be given priority in future development of policing trends and approaches. He recognised the problematic nature of the authoritarian police organisation in stifling creativity and stated: "It is unfortunate, because the problems facing law enforcement and society today require not more of the same, but new and creative ways and methods of policing" (Couper, 1994).

In a similar tone, Detective Mark Kollar (2005) from the Ohio Police in the USA highlighted the need for creative approaches to policing, including creative methods of peaking a suspect's stress levels during interrogation. Kollar (2005, 104) also pointed out the importance of knowledge sharing between investigators and stated: "...it is up to the investigator to use his creativity, or the creativity of others, to think in new innovative ways to develop investigative strategies to solve crimes while staying within the law".

The fact that creativity has so often been mentioned in the policing literature indicates that there is some value in this approach. The following section briefly considers the benefits of creativity in policing, before going on to discuss various problems encountered when attempting to translate this approach into realistic policing measures.

Policing the 'grey areas' – why is creativity in policing so important?

In his book *Streetlights and shadows: searching for the keys to adaptive decision-making'*, Klein (2009) focused upon how people make decisions in ambiguous situations, which he referred to as 'grey areas'. He argued that intuition is more important than procedures when aiming to equip people with the skills to successfully navigate these grey areas and consistently make good decisions. While basic guidelines are a necessary starting point, Klein (2009, 18) stated that people "...have to move beyond rules to achieve mastery". In this regard, individuals must cultivate and develop their 'intuition' if they are to achieve success. This is particularly relevant when considering the complex and dynamic challenges faced by police in modern society.

It seems that the eternal struggle of police is to stay one step ahead of the criminals they pursue. In the modern environment, technological advances have made this task all the more difficult. Indeed, the *types* of crime that are being committed and the *ways* in which those crimes are being executed is constantly changing as criminals adapt to and exploit new forms of technology. There is a need for police to change and adapt in response to these ever-changing threats. In this climate:

> The complexities of investigative processes and the use of scientific-techniques are far from providing a 'silver bullet' solution to... offering foolproof investigations. Rather, the modern detective needs to command a broader range of knowledge and a more critical appreciation of the available evidence than in the past (Tong, Bryant and Horvath, 2009, 218).

Research indicates that creative individuals are more likely to be able to adapt to changing situations and tasks (Scott et al, 2004, 361). In this respect, creativity training may assist in helping police investigators to move beyond their established schemas to consider alternative possibilities or solutions to problem solving tasks. At a more specific level, training in abductive reasoning is considered important to achieving this outcome (Carson, 2009, 219). There is a great deal of research in the field of psychology that proposes specific training measures for abductive reasoning, and this research could quite easily be transferred to the policing domain.

While the need to change and adapt to new types of crime is extremely important in the modern policing context, creativity may also enable criminal investigators to identify new approaches to more complex or older investigations. For instance, most police would be familiar with the idea of the 'self-solver' as opposed to the 'whodunit' or 'cold case' which represent more complex and protracted investigations (Innes, 2002, 671). Innes (2002, 672) points out that the majority of homicide investigations in the United Kingdom are 'self-solvers', with around 70 per cent being solved in the early stages of the investigation. However, those cases that fit into the latter category of the 'whodunit' or 'cold case' are generally much more difficult to investigate. It is these 'grey areas', which may require a creative response by criminal investigators in order to generate leads. This creative approach might involve looking at the case from a completely new angle, taking a new approach to interrogation, utilising new information sources or speaking with members of the community that were not originally approached. The use of creative problem solving methods such as Edward de Bono's

'six thinking hats' in team situations or Osborne's creative problem solving model, may also help in these contexts (de Bono, 2000; Puccio et al, 2010, 154).

One Singaporean homicide case that demonstrated the need for creativity in policing is *Mohd Sulaiman v Public Prosecutor (1994)* (author's personal communication with Associate Professor Geoff Dean, August 30 2010). In this case, a coffee shop attendant was stabbed to death at his work. The police subsequently arrested three Malay men, who were identified by witnesses as being at the scene of the crime when the murder was committed. These three men were subjected to prolonged interrogation until they finally confessed to the murder. However, it was later found that the murderer was, in fact, another person; Mohd Sulaiman. Sulaiman confessed to the murder, and the three innocent Malay men went on to sue the lead detective for damages.

This is a good example of a case where a 'blinkered', close-minded approach (Ask and Granhag, 2005, 47) can limit a detective's ability to consider alternative 'crime stories'. In turn, this 'need for cognitive closure', as Kruglanski (2004, 22) refers to it, can lead the individual to "...process information less extensively and carefully and generate fewer competing hypotheses to account for the data that they have available". Alternatively, a creative approach can counteract this problem by encouraging the individual to consider different accounts of the 'crime story'. Although hindsight is obviously beneficial, if the lead detective in the abovementioned case been more creative in their thinking, they may have avoided pinning the wrong culprits for this crime.

Creativity is an important aspect of criminal investigation. While creativity won't work every time, it will certainly mean that a broader range of investigative avenues are pursued leading to a greater probability of success. Even though creativity may aid police investigators in a number of ways, little effort has been made to proactively foster and encourage creative approaches within the policing domain. As Tong (2009, 9) stated:

> Not only are few detectives perceived as being able to practice the 'art', but the manner in which they achieve this is shrouded in mystery... there is no script or method available to trainee detectives on how they may reach this elevated cultural status.

There may be a number of reasons why calls for further investment in creativity have fallen upon deaf ears. The following section highlights some possible reasons for this.

Potential hurdles when integrating and fostering creative approaches in the policing domain

Despite continued calls for further investment in creative approaches, few changes have been made in the policing sector. In fact, Bryant (2009, 61) points out that investigators are often warned *against* using creativity and intuition in their police work. There may be various reasons for this.

Creativity and intuition are largely perceived as the antitheses of the positivist-scientific approach to which criminal investigations must adhere. Indeed, evidence against a suspect cannot be based on intuition alone. However, Waddington (2004, 142) stated that despite the importance of creativity, many detectives insist they "...only deal in facts". It is true that detectives *must* deal in facts if they are to build a *prima facie* case against a suspect. However, the perceived incompatibility of the creative and scientific approaches is false. While a detective *must* deal in facts, the way those facts are interpreted or the 'crime story' that is constructed from those facts, is inevitably the subject of creative enterprise. Furthermore, creative approaches may actually help investigators to *find* the facts upon which they must rely. Indeed, creativity can aid the police investigator to further develop a case *without* encouraging them to ignore the relevant facts. Thus, it is unfortunate that detectives who *do* practice the 'art' of investigation are not recognised and encouraged to pass this critical knowledge/approach on to newcomers. Indeed, creativity is a crucial knowledge resource that must be tapped by policing organisations if their personnel are to remain one step ahead of the criminals they pursue.

In addition to the above mentioned problem, police suspicion of creativity may also be due to the fact that it is often perceived as an 'unconventional' characteristic (Runco, 2007, 288), and thus contradicts the conformist approach that is encouraged in most police agencies (Nordin et al, 2009, 11). The characteristic of conventionalism is a product *of* and reinforced *by* the hierarchical nature of the traditional police agency, which typically operates as a paramilitary type organisation (Vickers and Kouzmin, 2001, 12; Hashemian and Mahdizade, 2008, 108; Chan, 1996, 110). According to Hashemian and Mahdizade (2008, 108) and Smith (2008, 210), the command structure of the typical police organisation works to suppress creativity and entrepreneurial behaviour. In this regard, it is no surprise that the call to foster creativity in policing has gone unheeded. It would seem that creativity is the very characteristic that most policing organisations attempt to discourage. This may be because creativity and unconventional behaviours are often associated with *unethical* behaviours.

In the post-Fitzgerald atmosphere in Queensland, Australia and certainly in other jurisdictions where corruption has previously been a problem, there is an unspoken fear that unconventional behaviours equate to unethical behaviours. However, proponents of creativity in policing do *not* propose that police ignore ethical or legal constraints (Dean, 2000; Kollar, 2005, 104). As Kollar (2005, 104) and Dean (2000) state, creativity should be expressed *within* the constraints of the law and organisational policies to which the investigator is bound. Furthermore, Baucus et al (2008) argued that creativity can be fostered *without* encouraging unethical behaviour. Thus, the suspicion that creativity will necessarily lead to unethical behaviours is somewhat unfounded.

The above mentioned points highlight the problematic nature of integrating creativity into traditional policing organisations. In light of these obstacles, it is understandable that the cultivation of creativity has not yet been a focus of policing agencies. Indeed, these hurdles will need to be overcome if creativity in policing is to be perceived as an authentic policing approach in the future.

The notion of creativity in policing – re-conceptualisation of Dean's 'skill' and 'risk' styles

Dean's (2000) four investigative thinking styles have the capacity to be used as templates for the sharing of operational tacit knowledge and the subsequent training of police detectives. As indicated in this paper, there is a need to go *beyond* training detectives to rely upon investigative procedures (method style) towards encouraging detectives to allow their experiences, intuition and creativity to guide them in an investigation (skill and risk styles). This will generate personnel who are innovative, creative and who can adapt to the dynamic nature of criminal investigation. Unless we have investigators who are able to adopt different approaches to investigating crime, leads will continue to dry up and they will continually be faced with the dilemma of the investigative 'dead end'.

Before Dean's (2000) cognitive styles can be used as knowledge management templates, there is a need to further explore the similarities between the skill and risk styles and to determine whether these two approaches can be validly treated as two different styles. An alternative approach may be to amalgamate the skill and risk styles into an overarching 'creative' style. In this regard, the creativity involved in relating to individuals during an investigation (skill) would be treated as one *application* of creativity and innovation in policing (risk style). The transformation of Dean's (2000) four-pronged theory of investigation into a theory which contains three cognitive styles; the method, challenge, and 'creativity' styles, may be a truer representation of the approaches that police investigators take to criminal investigation. Future empirical research will determine whether this 3-pronged alternative yields confirmatory results.

Conclusion – considering the future for creativity in policing

While creativity in policing has been the subject of ongoing narrative over the previous century or so, little has been done in a practical sense to foster and encourage creative approaches within the policing domain. However, there is growing consensus that creativity *is* important to policing, and in turn, the narrative about creativity and intuition in policing has moved beyond the realm of fiction and 'mystery' towards a more practical discourse about how police work can benefit from creative approaches. Still, this ongoing discourse is of little value if it is not translated into the reality of policing. Given the traditional structure and approach of most policing organisations, it is unsurprising that they have been somewhat 'suspicious' of creativity as an authentic policing approach.

This paper proposes the use of Dean's theory of investigative thinking to facilitate the improvement of knowledge management strategies in the policing realm. In particular, attention must be paid to the ways in which policing organisations can facilitate the sharing and cultivation of creativity in policing. If this can be achieved, policing organisations can expect their personnel to be more adaptive and innovative and thus, circumvent problems associated with 'cognitive closure' or the investigative 'dead end'. While there are various organisational hurdles to be overcome before creativity in policing is given the status it deserves, we can at least agree that there are various benefits to be gained from the integration of this approach.

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